

REMARKS

In the Final Office Action, claims 1-7, 9-15 and 17-29 were rejected. By the present response, claims 1, 2, 4, 6, 11, 19, 20, and 24-27 are amended. New claim 30 has been added. Support for the present amendments and additional claim can be found in the application at least at FIGS. 2-8 and p. 7, lines 10-26, p. 8, line 20 to p. 10, line 1, p. 10, lines 13-31, p. 12, line 26 to p. 13, line 24. By the present response or previous responses, claims 3, 8, 10, and 16 have been canceled. In view of these cancellations and additions, claims 1, 2, 4-7, 9, 11-15, and 16-30 remain currently pending. In view of the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections Under 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 28-29 under 35 U.S.C. §101 as directed to non-statutory subject matter. Specifically, the Examiner stated that they “claim an image which is merely data and therefore has no functional relationship.” Office Action, p. 4. Claims 28 and 29 recite, “A computer memory device storing an image . . .”. In the Decision on Appeal mailed December 14, 2010, the Board rejected the Examiner’s position with respect to the rejection of claims 28-29 under 35 U.S.C. § 101. Decision on Appeal, p. 4. In view of this decision, Applicant respectfully requests an indication of the withdrawal of the present rejection.

Rejections Under 35 U.S.C. §102

In the Office Action, the Examiner rejected claims 1-7, 9-15, and 17-29 under 35 U.S.C. §102(b) as anticipated by Fan et al. (U.S. Patent Pub. 2002/0093686) (hereinafter “Fan reference”). Applicants respectfully traverse this rejection.

Legal Precedent and Guidelines

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Accordingly, the Applicants need only point to a single

element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the identical invention “in as complete detail as contained in the . . . claim” to support a prima facie case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Independent Claims 1, 20, 24, and 26

As amended, independent claims 1, 20, 24, and 26 recite the segmentation of image data to generate discrete and separate masks or mask images that are dimensioned the same as the original image data and have pixel values that are assigned based on the segmentation process. After careful review of the Fan reference, this subject matter is believed to be entirely absent from the Fan reference. In particular, the Fan reference appears to be devoid of any mention of segmentation, map images, masks or mask images.

Further, as amended, independent claims 1, 20, 24, and 26 clarify that pixels of the first mask are processed using a first operation but not a second operation, pixels of the second mask are processed using a second operation but not a first operation, and pixels of the third mask are processed using both the first and second operations. This subject matter (i.e., the processing of one set of pixels with a first operation to the exclusion of a second operation) is also believed to be absent from the Fan reference.

In contrast, the Fan reference appears to disclose descreening a half-tone image on a pixel-by-pixel basis. Fan, paragraph 20. Every pixel is then low pass filtered and separately notch filtered. *Id.* A local contrast variable, ranging from 0 to 1, is then determined for each pixel value. *Id.* The value of the local contrast variable corresponds to high contrast, low contrast, or contrast anywhere in between. Fan, paragraph 26. That is, the Fan reference appears to disclose performing two different operations on the pixels of an image in questions before assignment of the local contrast variable.

As will be appreciated, claims 1, 20, 24, and 26 each recite that the operations of interest are performed on the respective masks or mask images, not the image data itself. Thus the masks or mask images are generated before the respective operations can be performed. Applicants believe such segmentation followed by differential processing is not taught by the Fan reference.

In view of these deficiencies among others, the cited reference cannot anticipate independent claims 1, 24, and 26 or their dependent claims. Withdrawal of the present rejection is, therefore, respectfully requested.

Independent Claims 11, 25, and 27

The present independent claims 11, 25, and 27 also recite the generation of respective first, second, and third masks or mask images from an initial set of image data and the subsequent and differential processing of the respective masks or mask images by first and second operations. Certain pixels in the masks or mask images are set to predetermined values based on the value of the corresponding pixels in the image data with respect to first and second thresholds. As noted above, this subject matter is believed to be entirely absent from the Fan reference. In particular, the Fan reference appears to be devoid of any mention of map images, masks or mask images.

Further, as amended, independent claims 11, 25, and 27 clarify that pixels of the first mask are processed using a first operation but not a second operation, pixels of the second mask are processed using a second operation but not a first operation, and pixels of the third mask are processed using both the first and second operations. This subject matter, as noted above, is also believed to be absent from the Fan reference.

In particular, claims 11, 25, and 27 each recite that the operations of interest are performed on the respective masks or mask images, not the image data itself. Thus the masks or mask images are generated before the respective operations can be performed. Applicants believe such mask generation followed by differential processing is not taught by the Fan reference.

In view of these deficiencies among others, the cited reference cannot anticipate independent claims 11, 25, and 27 or their dependent claims. Withdrawal of the present rejection is, therefore, respectfully requested.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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